

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

TWILA M. TREJO-GUERRERO,
Plaintiff,

No. 03:12-CV-01895-HU

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,
Defendant.

**ORDER ON MOTION FOR
ATTORNEY FEES**

Richard F. McGinty
P.O. Box 12806
Salem, OR 97309

Attorney for Plaintiff

S. Amanda Marshall
United States Attorney
Adrian L. Brown
Assistant United States Attorney
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2904

David Morado
Regional Chief Counsel, Region X, Seattle
Richard Rodriguez
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
701 Fifth Avenue, Suite #2900 M/S 221A
Seattle, WA 98104-7075

Attorneys for Defendant

1 HUBEL, Magistrate Judge:

2 The parties have filed a stipulated motion for an award of
3 attorney's fees to the plaintiff pursuant to the Equal Access to
4 Justice Act, 28 U.S.C. § 2412. Dkt. #21. Under the statute:

5 A party seeking an award of fees and other
6 expenses shall, within thirty days of final
7 judgment in the action, submit to the court
8 an application for fees and other expenses
9 which shows that the party is a prevailing
10 party and is eligible to receive an award
11 under this subsection, and the amount
12 sought, including an itemized statement from
any attorney . . . representing or appearing
in behalf of the party stating the actual
time expended and the rate at which fees and
other expenses were computed. The party
shall also allege that the position of the
United States was not substantially
justified.

13 24 U.S.C. § 2412(d) (B).

14 The current motion is wholly unsupported. No itemized
15 statement from the plaintiff's attorney is attached, and no
16 allegation or supporting argument is made that the
17 Commissioner's position was not substantially justified.

18 The motion is **denied**, without prejudice to refiling in
19 proper form, **no later than February 4, 2014**.

20 IT IS SO ORDERED.

21 Dated this 21st day of January, 2014.

22 /s/ Dennis J. Hubel

23 _____
24 Dennis James Hubel
25 Unites States Magistrate Judge
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